

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

Benjamin H. Haftel, Esq. (ID# 030331989)  
HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP  
40 Paterson Street, PO Box 480  
New Brunswick, NJ 08903  
(732) 545-4717  
Attorneys for Defendant  
Sanjay K. Jain, M.D.

UNITED STATES OF AMERICA and the  
STATES OF NEW JERSEY and NEW YORK,  
ex rel. KENNETH W. ARMSTRONG,

Plaintiffs and Relator,

vs.

ANDOVER SUBACUTE AND REHAB  
CENTER SERVICES ONE, INC.; ANDOVER  
SUBACUTE AND REHAB CENTER  
SERVICES TWO, INC, ESTATE OF DR.  
HOOSHANG KIPIANI; DR. SANJAY JAIN;  
and DR. BORIS FREYMAN

Defendants.

Civil Action No.: 2:12-cv-03319-SDW-SCM

**ANSWER TO SECOND AMENDED FALSE  
CLAIMS ACT COMPLAINT**

Document Electronically Filed

Defendant Sanjay K. Jain, M.D., by way of Answer to Relator's Second Amended False  
Claims Act Complaint, says:

**INTRODUCTION**

1. Defendant Sanjay K. Jain denies the allegations contained in Paragraph 1 of Relator's  
Second Amended False Claims Act Complaint to the extent that the allegations may be deemed  
directed against this Defendant.

2. Defendant Sanjay K. Jain denies the allegations contained in Paragraph 2 of Relator's  
Second Amended False Claims Act Complaint to the extent that the allegations may be deemed  
directed against this Defendant

**FEDERAL JURISDICTION AND VENUE**

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DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

701 WILTSEY'S MILL ROAD  
BLDG. B, SUITE 202  
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3. Defendant Sanjay K. Jain admits the allegations contained in Paragraph 3 of Relator's Second Amended False Claims Act Complaint.

4. Defendant Sanjay K. Jain admits the allegations contained in Paragraph 4 of Relator's Second Amended False Claims Act Complaint.

5. The allegations contained in Paragraph 5 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant

6. The allegations contained in Paragraph 6 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

7. The allegations contained in Paragraph 7 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant

8. The allegations contained in Paragraph 8 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

#### **PARTIES**

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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MORAN, DUNST &  
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18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

23. With regard to the allegations contained in Paragraph 23 of Relator's Second Amended False Claims Act Complaint, Defendant admits that he has practiced medicine in Hackettstown, New Jersey, among other locations. Defendant further admits that was also an attending physician for patients at the Andover facilities. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 23 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

#### **STATUTORY AND REGULATORY BACKGROUND**

HOAGLAND, LONGO,  
MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

701 WILTSEY'S MILL ROAD  
BLDG. B, SUITE 202  
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25. The allegations contained in Paragraph 25 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

26. The allegations contained in Paragraph 26 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

27. The allegations contained in Paragraph 27 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

28. The allegations contained in Paragraph 28 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

29. The allegations contained in Paragraph 29 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

30. The allegations contained in Paragraph 30 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

31. The allegations contained in Paragraph 31 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
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these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

32. The allegations contained in Paragraph 32 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

33. The allegations contained in Paragraph 33 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

34. The allegations contained in Paragraph 34 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

35. The allegations contained in Paragraph 35 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

36. The allegations contained in Paragraph 36 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

37. The allegations contained in Paragraph 37 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

701 WILTSEY'S MILL ROAD  
BLDG. B, SUITE 202  
HAMMONTON, NJ 08037

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38. Defendant denies the allegations contained in Paragraph 38 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

39. The allegations contained in Paragraph 39 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

40. The allegations contained in Paragraph 40 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

41. The allegations contained in Paragraph 41 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

42. With regard to the allegations contained in Paragraph 42 of Relator's Second Amended False Claims Act Complaint, Defendant admits that he was an attending physician to patients who resided at Andover. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 42 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

43. With regard to the allegations contained in Paragraph 43 of Relator's Second Amended False Claims Act Complaint Defendant admits that he was required to provide care to his patients at Andover. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 43 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
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44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

46. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

48. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

49. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

50. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
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52. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

55. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

56. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

57. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

59. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

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BLDG. B, SUITE 202  
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60. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

61. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

62. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

63. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

64. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

65. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

66. Defendant denies the allegations contained in Paragraph 66 of Relator's Second Amended False Claims Act Complaint to the extent such allegations may be deemed to be directed against this Defendant.

67. The allegations contained in Paragraph 67 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

HOAGLAND, LONGO,  
MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

701 WILTSEY'S MILL ROAD  
BLDG. B, SUITE 202  
HAMMONTON, NJ 08037

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68. Defendant denies the allegations contained in Paragraph 68 of Relator's Second Amended False Claims Act Complaint to the extent such allegations may be deemed to be directed against this Defendant.

69. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

70. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

71. To the extent that the allegations set forth in Paragraph 71 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

72. To the extent that the allegations set forth in Paragraph 72 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

73. To the extent that the allegations set forth in Paragraph 73 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

74. To the extent that the allegations set forth in Paragraph 74 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

75. The allegations contained in Paragraph 75 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

701 WILTSEY'S MILL ROAD  
BLDG. B, SUITE 202  
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76. To the extent that the allegations set forth in Paragraph 76 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

77. To the extent that the allegations set forth in Paragraph 77 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

78. To the extent that the allegations set forth in Paragraph 78 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

79. To the extent that the allegations set forth in Paragraph 79 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

80. To the extent that the allegations set forth in Paragraph 80 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

81. The allegations contained in Paragraph 81 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

82. To the extent that the allegations set forth in Paragraph 82 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

83. To the extent that the allegations set forth in Paragraph 83 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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84. The allegations contained in Paragraph 84 of Relator's Second Amended False Claims Act Complaint are not directed against this Defendant and, therefore, no answer is made to these allegations except to deny any such allegations which may be deemed to be directed against this Defendant.

85. To the extent that the allegations set forth in Paragraph 85 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

86. To the extent that the allegations set forth in Paragraph 86 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

87. To the extent that the allegations set forth in Paragraph 87 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

88. To the extent that the allegations set forth in Paragraph 88 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

89. To the extent that the allegations set forth in Paragraph 89 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

90. With regard to the allegations contained in Paragraph 90 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth herein at length.

91. To the extent that the allegations set forth in Paragraph 91 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

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MORAN, DUNST &  
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40 PATERSON STREET  
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92. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

93. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 93 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

94. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

95. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

96. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

97. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 97 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

98. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 98 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

99. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 99 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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100. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 100 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

101. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

102. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

103. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

104. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

105. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

106. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

107. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

HOAGLAND, LONGO,  
MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

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108. To the extent that the allegations set forth in Paragraph 108 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

109. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

110. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 110 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

111. To the extent that the allegations set forth in Paragraph 111 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

112. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

113. To the extent that the allegations set forth in Paragraph 113 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

114. To the extent that the allegations set forth in Paragraph 114 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

115. To the extent that the allegations set forth in Paragraph 115 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

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116. To the extent that the allegations set forth in Paragraph 116 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

117. To the extent that the allegations set forth in Paragraph 117 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

118. To the extent that the allegations set forth in Paragraph 118 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

119. To the extent that the allegations set forth in Paragraph 119 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

120. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 120 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

121. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 121 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

122. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 122 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

123. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 123 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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124. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 124 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

125. To the extent that the allegations set forth in Paragraph 125 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

126. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 126 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

127. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 127 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

128. To the extent that the allegations set forth in Paragraph 128 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

129. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 129 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

130. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 130 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

131. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 131 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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MORAN, DUNST &  
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BLDG. B, SUITE 202  
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132. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 132 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

133. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 133 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

134. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 134 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

135. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 135 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

136. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 136 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

137. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 137 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

138. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 138 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

139. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 139 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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MORAN, DUNST &  
DOUKAS, LLP

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NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
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140. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 140 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

141. To the extent that the allegations set forth in Paragraph 141 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

142. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 142 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

143. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 143 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

144. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 144 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

145. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

146. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 146 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

147. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 147 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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148. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 148 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

149. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 149 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

150. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 150 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

151. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 151 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

152. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 152 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

153. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 153 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

154. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 154 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

155. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 155 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

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MORAN, DUNST &  
DOUKAS, LLP

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BLDG. B, SUITE 202  
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156. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 156 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

157. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 157 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

158. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 158 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs.

159. To the extent that the allegations set forth in Paragraph 159 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

160. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 160 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph 160 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

161. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 161 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph 161 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

162. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 162 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph

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MORAN, DUNST &  
DOUKAS, LLP

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NEW BRUNSWICK, NJ  
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162 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

163. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 163 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph 163 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

164. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 164 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph 164 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

165. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 165 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph 165 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

166. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 166 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph 166 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

167. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 167 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

701 WILTSEY'S MILL ROAD  
BLDG. B, SUITE 202  
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167 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

168. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 168 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph 168 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

169. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 169 of Relator's Second Amended False Claims Act Complaint and leaves Relator to his proofs. To the extent that the allegations set forth in Paragraph 169 of Relator's Second Amended False Claims Act Complaint are directed against this Defendant, the allegations are denied.

#### **COUNT ONE**

170. As to Paragraph 170 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

171. Defendant denies the allegations set forth in Paragraph 171 of Relator's Second Amended False Claims Act Complaint.

172. Defendant denies the allegations set forth in Paragraph 172 of Relator's Second Amended False Claims Act Complaint.

173. Defendant denies the allegations set forth in Paragraph 173 of Relator's Second Amended False Claims Act Complaint.

174. Defendant denies the allegations set forth in Paragraph 174 of Relator's Second Amended False Claims Act Complaint.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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**COUNT TWO**

175. As to Paragraph 175 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

176. This Defendant denies the allegations set forth in Paragraph 176 of Relator's Second Amended False Claims Act Complaint.

177. This Defendant denies the allegations set forth in Paragraph 177 of Relator's Second Amended False Claims Act Complaint.

178. This Defendant denies the allegations set forth in Paragraph 178 of Relator's Second Amended False Claims Act Complaint.

179. This Defendant denies the allegations set forth in Paragraph 179 of Relator's Second Amended False Claims Act Complaint.

180. This Defendant denies the allegations set forth in Paragraph 180 of Relator's Second Amended False Claims Act Complaint.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

**COUNT THREE**

181. As to Paragraph 181 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

182. This Defendant denies the allegations set forth in Paragraph 182 of Relator's Second Amended False Claims Act Complaint.

183. This Defendant denies the allegations set forth in Paragraph 183 of Relator's Second Amended False Claims Act Complaint.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
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**COUNT FOUR**

184. As to Paragraph 184 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

185. This Defendant denies the allegations set forth in Paragraph 185 of Relator's Second Amended False Claims Act Complaint.

186. This Defendant denies the allegations set forth in Paragraph 186 of Relator's Second Amended False Claims Act Complaint.

187. This Defendant denies the allegations set forth in Paragraph 187 of Relator's Second Amended False Claims Act Complaint.

188. This Defendant denies the allegations set forth in Paragraph 188 of Relator's Second Amended False Claims Act Complaint.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

**COUNT FIVE**

189. As to Paragraph 189 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

190. This Defendant denies the allegations set forth in Paragraph 190 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

191. This Defendant denies the allegations set forth in Paragraph 191 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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192. This Defendant denies the allegations set forth in Paragraph 192 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

193. This Defendant denies the allegations set forth in Paragraph 193 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

194. This Defendant denies the allegations set forth in Paragraph 194 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

**COUNT SIX**

195. As to Paragraph 195 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

196. This Defendant denies the allegations set forth in Paragraph 196 of Relator's Second Amended False Claims Act Complaint.

197. This Defendant denies the allegations set forth in Paragraph 197 of Relator's Second Amended False Claims Act Complaint.

198. This Defendant denies the allegations set forth in Paragraph 198 of Relator's Second Amended False Claims Act Complaint.

199. This Defendant denies the allegations set forth in Paragraph 199 of Relator's Second Amended False Claims Act Complaint.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

**COUNT SEVEN**

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MORAN, DUNST &  
DOUKAS, LLP

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NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
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200. As to Paragraph 200 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

201. This Defendant denies the allegations set forth in Paragraph 201 of Relator's Second Amended False Claims Act Complaint.

202. This Defendant denies the allegations set forth in Paragraph 202 of Relator's Second Amended False Claims Act Complaint.

203. This Defendant denies the allegations set forth in Paragraph 203 of Relator's Second Amended False Claims Act Complaint.

204. This Defendant denies the allegations set forth in Paragraph 204 of Relator's Second Amended False Claims Act Complaint.

205. This Defendant denies the allegations set forth in Paragraph 205 of Relator's Second Amended False Claims Act Complaint.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

**COUNT EIGHT**

206. As to Paragraph 206 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

207. This Defendant denies the allegations set forth in Paragraph 207 of Relator's Second Amended False Claims Act Complaint.

208. This Defendant denies the allegations set forth in Paragraph 208 of Relator's Second Amended False Claims Act Complaint.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

**COUNT NINE**

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MORAN, DUNST &  
DOUKAS, LLP

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NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
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209. As to Paragraph 209 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

210. This Defendant denies the allegations set forth in Paragraph 210 of Relator's Second Amended False Claims Act Complaint.

211. This Defendant denies the allegations set forth in Paragraph 211 of Relator's Second Amended False Claims Act Complaint.

212. This Defendant denies the allegations set forth in Paragraph 212 of Relator's Second Amended False Claims Act Complaint.

213. This Defendant denies the allegations set forth in Paragraph 213 of Relator's Second Amended False Claims Act Complaint.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

#### **COUNT TEN**

214. As to Paragraph 214 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

215. This Defendant denies the allegations set forth in Paragraph 215 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

216. This Defendant denies the allegations set forth in Paragraph 216 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

217. This Defendant denies the allegations set forth in Paragraph 217 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
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218. This Defendant denies the allegations set forth in Paragraph 218 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

219. This Defendant denies the allegations set forth in Paragraph 219 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

**COUNT ELEVEN**

220. As to Paragraph 220 of Relator's Second Amended False Claims Act Complaint, this Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

221. This Defendant denies the allegations set forth in Paragraph 221 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

222. This Defendant denies the allegations set forth in Paragraph 222 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

223. This Defendant denies the allegations set forth in Paragraph 223 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

224. This Defendant denies the allegations set forth in Paragraph 224 of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

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MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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**COUNT TWELVE**

1. This Defendant repeats and reiterates each and every response to prior allegations as if same were set forth at length herein.

2. This Defendant denies the allegations set forth in Paragraph 2 of Count Twelve of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

3. This Defendant denies the allegations set forth in Paragraph 3 of Count Twelve of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

4. This Defendant denies the allegations set forth in Paragraph 4 of Count Twelve of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

5. This Defendant denies the allegations set forth in Paragraph 5 of Count Twelve of Relator's Second Amended False Claims Act Complaint to the extent that the allegations are directed against this Defendant.

WHEREFORE, Defendant Sanjay K. Jain, M.D., demands judgment dismissing Relator's Second Amended False Claims Act Complaint together with costs and counsel fees.

**FIRST AFFIRMATIVE DEFENSE**

Some or all of the claims in the Second Amended False Claims Act Complaint fail to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Some or all of the claims in the Second Amended False Claims Act Complaint are barred by the doctrines of res judicata, collateral estoppel and/or the law of the case.

**THIRD AFFIRMATIVE DEFENSE**

Relator's claims are barred pursuant to the Doctrines of Unclean Hands, Release, Waiver, and Laches.

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NEW BRUNSWICK, NJ  
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**FOURTH AFFIRMATIVE DEFENSE**

Relator cannot establish that Defendant Sanjay K. Jain, M.D. acted with scienter, to establish a False Claims Act violation.

**FIFTH AFFIRMATIVE DEFENSE**

Relator cannot establish that Defendant, Sanjay K. Jain, M.D., knowingly presented or caused to be presented false claims to the government, to establish a False Claims Act violation.

**SIXTH AFFIRMATIVE DEFENSE**

Relator cannot establish that he suffered damages that were proximately caused by any alleged False Claims Act violation committed by Defendant, Sanjay K. Jain, M.D.

**SEVENTH AFFIRMATIVE DEFENSE**

Some or all of the relief sought by Relator against Defendant, Sanjay K. Jain, M.D., including the potential amount of treble damages and/or civil penalties to be awarded, violates the Excessive Fines Clause in the Eighth Amendment of the United States Constitution.

**EIGHTH AFFIRMATIVE DEFENSE**

Upon information and belief, subject to further discovery, some or all of the damages allegedly suffered by Relator resulting from alleged False Claims Act violations committed by Defendant, Sanjay K. Jain, M.D., were offset by payments previously received by Relator from other settling parties.

**NINTH AFFIRMATIVE DEFENSE**

Some or all of Relator's claims are barred by the statute of limitations.

**TENTH AFFIRMATIVE DEFENSE**

Defendant, Sanjay K. Jain, M.D.'s actions were in good faith and Defendant had reasonable grounds to believe that his actions were in conformity with existing law.

**ELEVENTH AFFIRMATIVE DEFENSE**

Any damages sustained by Relator were caused by the actions of inactions of parties over which this Defendant had no control or the right to control.

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**TWELTH AFFIRMATIVE DEFENSE**

Relator's claims are unconstitutional to the extent that any federal or state law, or amendments thereto, is applied *ex post facto*.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Relator's claims are barred, in whole or in part, by the Court's prior Orders.

**FOURTEENTH AFFIRMATIVE DEFENSE**

The Second Amended False Claims Act Complaint fails to allege fraud with particularity as required by Fed. R. Civ. P. 9(b).

**FIFTEENTH AFFIRMATIVE DEFENSE**

The claims in the Second Amended False Claims Act Complaint for damages are barred, in whole or in part, by the doctrine of consent and/or ratification because the United States with knowledge of Defendant's wrongful conduct, if any, continued to pay, authorize for payment or approve payment of claims for unnecessary services, if any, that were rendered throughout the relevant time period.

**SIXTEENTH AFFIRMATIVE DEFENSE**

Defendant, Sanjay K. Jain, M.D., reserves the right to assert such additional defenses as may be asserted by other Defendants in the case, or as may be revealed through the course of continuing investigation, analysis and discovery.

WHEREFORE, Defendant, Sanjay K. Jain, M.D., demands judgment dismissing the Second Amended False Claims Act Complaint with prejudice, awarding Defendant attorney's fees and costs, and such other relief as the Court deems just.

**CROSSCLAIMS**

Defendant, Sanjay K. Jain, M.D., by way of Crossclaims against any and all Co-Defendants, says:

**FIRST COUNT**

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DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
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BLDG. B, SUITE 202  
HAMMONTON, NJ 08037

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1. Although Defendant, Sanjay K. Jain, M.D., denies any liability whatsoever, he nonetheless asserts that any and all injuries and damages sustained by Relator were the proximate result of the negligence of Co-Defendants and demand contribution from Co-Defendants for the proportionate share of any and all sums that may be adjudged against these Defendants in this action.

WHEREFORE, Defendant, Sanjay K. Jain, M.D., demands a judgment of contribution from Co-Defendants together with interest, counsel fees, costs of suit, and such other relief as this Court deems appropriate and equitable.

### **SECOND COUNT**

1. Defendant, Sanjay K. Jain, M.D., repeats and realleges each and every allegation contained in the First Count as if the same were more fully set forth at length herein and made a part hereof.

2. Although Defendant, Sanjay K. Jain, M.D., denies any liability whatsoever, he nonetheless asserts that any and all injuries and damages sustained by Relator were the proximate result of the negligence of Co-Defendants which negligence was primary and active, and if this Defendant is found liable to Relator with respect to said injuries and damages, such liability resulted solely from secondary, imputed, vicarious or passive negligence, and Co-Defendants are liable to this Defendant, by way of common law indemnification, for any and all sums which this Defendant may be required to pay in this action.

WHEREFORE, Defendant, Sanjay K. Jain, M.D., demands judgment, by way of full indemnification, against Co-Defendants for any and all sums which this Defendant may be required to pay in this action, together with interest, counsel fees, costs of suit, and such other relief as this Court deems appropriate and equitable.

### **ANSWER TO ALL CROSSCLAIMS**

Defendant, Sanjay K. Jain, M.D., by way of answer to any and all Crossclaims, says:

HOAGLAND, LONGO,  
MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

701 WILTSEY'S MILL ROAD  
BLDG. B, SUITE 202  
HAMMONTON, NJ 08037

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This Defendant denies each and every allegation contained in Co-Defendants' Cross-claims and, therefore, leave Cross-claimants to their proofs.

**DESIGNATION OF TRIAL COUNSEL**

**Benjamin H. Haftel, Esq. (ID# 030331989)** has been designated as trial counsel on behalf of Defendant, Sanjay K. Jain, M.D., in the above-captioned matter.

**JURY DEMAND**

Defendant, Sanjay K. Jain, M.D., hereby demands a trial by jury on all issues.

**CERTIFICATION OF COUNSEL PURSUANT TO L. CIV. R. 11.2**

I certify that this matter is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding; no other action, arbitration or administrative proceeding is contemplated to my knowledge; and I know of no other parties who should be joined in this action at this time.

HOAGLAND, LONGO, MORAN,  
DUNST & DOUKAS, LLP  
Attorneys for Defendant  
Sanjay K. Jain, M.D.



By: \_\_\_\_\_  
BENJAMIN H. HAFTEL

Dated: April 22, 2019

HOAGLAND, LONGO,  
MORAN, DUNST &  
DOUKAS, LLP

40 PATERSON STREET  
NEW BRUNSWICK, NJ  
08901

701 WILTSEY'S MILL ROAD  
BLDG. B, SUITE 202  
HAMMONTON, NJ 08037

169 MAPLE AVENUE  
RED BANK, NJ 07701

**CERTIFICATION OF SERVICE**

I certify that the within Answer to the Second Amended False Claims Act Complaint was served on this date via electronic delivery upon all counsel of record via ECF filing.

HOAGLAND, LONGO, MORAN,  
DUNST & DOUKAS, LLP  
Attorneys for Defendant  
Sanjay K. Jain, M.D.



By: \_\_\_\_\_  
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